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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,829	08/05/2003	Brent Christner	154494-0034	7650

7590 04/28/2006

IRELL & MANELLA LLP  
Suite 900  
1800 Avenue of the Stars  
Los Angeles, CA 90067

EXAMINER
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EDMONDSON, LYNNE RENEE

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/635,829

Applicant(s)

CHRISTNER, BRENT

Examiner

Lynne Edmondson

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8,9,11-15 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,8,12 and 29-32 is/are allowed.
- 6) ☒ Claim(s) 1,6,11,13,28 and 33 is/are rejected.
- 7) ☒ Claim(s) 9,14,15,34 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6, 11, 13, 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (USPN 6247633 B1) in view of Schilling et al. (USPN 6604667 B2) and Krull et al. (DE 3815069 A).

White teaches a method of welding comprising positioning an adhesive sealant (fills gaps) between aluminum, magnesium or ferrous alloy surfaces (col 1 lines 62-67) and friction welding which generates heat to cure the sealant, forming lap welds (figure 2 and col 3 line 47 – col 4 line 29). The welded structure formed by friction stir welding comprises a first and second member and a face surface with sealant therebetween. However there is no disclosure of corrosion prevention.

Schilling teaches that during welding, aluminum and aluminum alloys are known to form an oxide surface layer in air decreases strength at the joint (col 1 lines 56-65).

Krull teaches a method of welding aluminum members employing a corrosion barrier sealant (abstract and figure 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ a corrosion barrier sealant as the adhesive to increase strength by preventing oxidation in the aluminum joint.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 6, 11, 13, 28 and 33 have been considered but are moot in view of the new ground(s) of rejection.

4. However, in response to applicant's argument that White does not teach a sealant, it is noted that applicant used the terms sealant and adhesive interchangeably in the disclosure, see the abstract, paragraphs 13 and 19. Although White does not use the term sealant, according to applicant's dictionary definition of adhesive which fills gaps, the White adhesive meets this criteria. As the joint is strong and stiff with high shear strength, the adhesive is presumed to fill the gap. If the adhesive did not completely fill the gap, the bond would be weak. The adhesive used in White is obviously stronger than flour and water as it forms a strong, stiff joint with high shear strength. This strength would not occur with voids in the adhesive.

***Allowable Subject Matter***

5. Claims 4, 5, 8, 12, 29-32 allowed.

6. Claims 9, 14, 15, 34 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (571) 272-1172. The examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lynne Edmondson  
Primary Examiner  
Art Unit 1725

*LRE*  
*4/26/06*

LRE